

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

NANCY LOFTON, )  
                    )  
Plaintiff,       )  
                    )  
vs.               )                  NO:  
                    )  
TRAVELERS PROPERTY CASUALTY       )  
COMPANY OF AMERICA,                )  
                    )  
Defendant.       )

**COMPLAINT**

**COUNT I**

Now comes the plaintiff, Nancy Lofton, by her attorneys, Bonifield & Rosenstengel, P.C., and Larry N. Sloss, Jr., of Gosnell, Borden, Enloe Sloss & McCullough, Ltd., and for her cause of action against the defendant, Travelers Property Casualty Company of America, hereinafter referred to as "Travelers", respectfully represents unto the Court as follows:

1. Plaintiff is a citizen of Illinois.
2. The defendant, Travelers, is a Connecticut corporation, with its principal place of business in Connecticut.
3. On February 4, 1997, Kevin Lofton, husband of plaintiff, Nancy Lofton, was killed in an automobile accident in Columbus, Kentucky.
4. As a result of the accident that killed Kevin Lofton, Nancy Lofton made various claims against various insurance companies, including Travelers.
5. Travelers was the workers' compensation carrier for the employer of Kevin Lofton.
6. Upon information and belief Travelers insured the employer of Kevin Lofton for other risks associated with his employment and/or the operation of his motor vehicle while on the job.

7. In October, 1998, a settlement was reached between Nancy Lofton, as Administratrix of the Estate of Kevin Lofton, Colonia Insurance Company, as the insurance company of the at-fault driver, Travelers as the workers' compensation carrier, and Travelers as to other claims.

8. As part of the settlement Travelers agreed to waive, in its entirety, the workers' compensation lien. (A copy of the October 30, 1998 agreement is attached as **Exhibit A** to this Complaint).

9. As part of the agreement, Travelers was to pay Nancy Lofton \$738.77 per week without interruption.

10. Travelers paid the above-mentioned payments to plaintiff, Nancy Lofton, until 1/25/17.

11. Defendant, Travelers, has refused to pay additional weekly payments as agreed to and has breached its contract with the plaintiff, Nancy Lofton.

**WHEREFORE**, plaintiff, Nancy Lofton, prays for judgment against defendant, Travelers, for a fair and just award in the amount of \$572,326.00, plus costs of this suit.

NANCY LOFTON,

s/Jon E. Rosenstengel  
Jon E. Rosenstengel 6216770  
LAW OFFICES  
Bonifield & Rosenstengel, P.C.  
16 E. Main St.  
Belleville, IL 62220-1602  
(618) 277-7740; 271-1414  
Fax: (618) 277-5155  
www.brlawfirm.com  
jon@brlawfirm.com  
Attorney(s) for Plaintiff, Nancy Lofton

PLAINTIFF REQUESTS CLERK TO ISSUE SUMMONS

DEFENDANT MAY BE SERVED AS FOLLOWS:

Travelers Property Casualty  
Company of America  
1 Tower Square  
Hartford, CT 06183